

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

EDWARD FITZGERALD,

Plaintiff,

-against-

THE CITY OF ROCHESTER, "JOHN DOE POLICE OFFICERS "1-200", (names and number of whom are unknown at present), PAUL ROMANO, COUNTY OF MONROE, TODD BAXTER, "RICHARD ROE SHERIFF'S DEPUTIES 1-200" (names and number of whom are unknown at present), and other unidentified members of the Rochester Police Department and Monroe County Sheriff's Office,

Defendants.

**NOTICE OF MOTION
TO DISMISS**

Case No. 22-cv-6067

Motion By: Defendants County of Monroe, Todd Baxter and "Richard Roe" Monroe County Sheriff's Deputies 1-200 (the "County Defendants").

Relief Requested: An order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing, with prejudice, the Complaint and each claim as against the County Defendants and such other and further relief as this Court deems proper.

Supporting Papers: Notice of Motion; Declaration of Maria E. Rodi, Esq., dated March 31, 2022 with Exhibit A; and Memorandum of Law, dated March 31, 2022.

Grounds for Motion: Failure to state a claim against the County Defendants.

Location: United States Court House, 100 State Street, Rochester, New York 14614

Opposing Papers: Under Local Rule, Plaintiffs are required to file and serve opposing papers **fourteen (14) days** after the service of this motion, if the Court does not issue an order with an alternative deadline. The County Defendants intend to file and serve reply papers.

March 31, 2022

John P. Bringewatt, Monroe County Attorney

s/ Maria E. Rodi

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To: All counsel of record by ECF